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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,276	11/15/2005	Ralph Edward Rypkema	102792-411 (11052P3)	8772
27389 7590 12/29/2006 NORRIS, MCLAUGHLIN & MARCUS 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			EXAMINER BOYER, CHARLES I	
			ART UNIT	PAPER NUMBER
			1751	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/29/2006	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/522,276

Applicant(s)

RYPKEMA ET AL.

Examiner

Charles I. Boyer

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1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/28/05
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Before citing the art rejections against the present claims, the examiner would like to state for the record that due to the inordinate breadth of the claims, requiring only a nonionic surfactant, cationic germicide, and chelant, a thorough search of these claims is impossible. Nonionic surfactants and chelants are ubiquitous in the detergent art, and cationic bactericides are also common ingredients. The examiner estimates there are at least scores, if not hundreds of references that will anticipate at least claim 1 of the present claims. In order to avoid an onerous action, the examiner has focused on preferred embodiments of the invention in order to identify the closest prior art, which art is cited below. Applicants should be aware however, that there are many other references that could have been cited against the present invention. Any response from applicants to the references cited below that does not also address the fact that their claims are extremely broadly written, together with a clear statement of what applicants

consider to be the novelty of their invention, would likely not be successful in rendering those claims allowable.

2. Claims 1-3, 7, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Cheung et al, WO 99/28428.

Cheung et al teach liquid hard surface cleaners comprising ethoxylated alcohol, amine oxide, cationic germicide, and citric acid (page 21, examples 3.1-3.6). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

3. Claims 1-4, 7, 8, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardella et al, EP 651,048.

Gardella et al teach liquid hard surface cleaners comprising ethoxylated alcohol, amine oxide, cationic germicide, and EDTA (page 21, examples 3.1-3.6). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

4. Claims 1-5, 7-9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Zhou et al, EP 691,397.

Zhou et al teach liquid hard surface cleaners comprising ethoxylated alcohol,

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amine oxide, cationic germicide, and tetrasodium EDTA (page 5, examples 1-9). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

5. Claims 1-5, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Knox et al, US 6,339,057.

Knox et al teach an antimicrobial hand soap comprising ethoxylated alcohol, amine oxide, cationic germicide, and tetrasodium EDTA (col. 14, examples 21-23). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

6. Claims 1-5, 7-9, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Aszman et al, US 6,667,287.

Aszman et al teach liquid hard surface cleaners comprising ethoxylated alcohol, amine oxide, cationic germicide, and tetrasodium EDTA (col. 6, example 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

7. Claims 1-5, 7-9, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Avery et al, US 6,821,943.

Avery et al teach liquid hard surface cleaners comprising ethoxylated alcohol,

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amine oxide, cationic germicide, and tetrasodium EDTA (col. 7, see all examples). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

8. Claims 1-5, 7-9, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Arvanitidou et al, US 5,985,813.

Arvanitidou et al teach liquid hard surface cleaners comprising ethoxylated alcohol, amine oxide, cationic germicide, and tetrasodium EDTA (col. 7, example 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

9. Claims 1-4, 7, 8, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Dobrin, US 4,464,293.

Dobrin teaches liquid hard surface cleaners comprising ethoxylated alcohol, amine oxide, cationic germicide, and EDTA (col. 3, example II). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

10. Claims 1-5, 7-9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Crisanti et al, US 5,925,681.

Crisanti et al teach liquid hard surface cleaners comprising ethoxylated

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alcohol, amine oxide, cationic germicide, and tetrasodium EDTA (col. 12, example 6).

As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

11. Claims 1, 4, 6, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ochomogo et al, US 5,948,741.

Ochomogo et al teach aerosol hard surface cleaners comprising amine oxide, cationic germicide, and tetrapotassium EDTA (col. 8, composition 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

12. Claims 7, 8, and 10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ochomogo et al, US 5,948,741.

Ochomogo et al are relied upon as set forth above. Mixtures of ethoxylated alcohol and amine oxide nonionic surfactants are suitable for use in the invention (col. 4, lines 36-40). As mixtures of these surfactants are clearly taught, the reference is anticipatory.

In the alternative, if the reference is not anticipatory, as mixtures of ethoxylated alcohol and amine oxide nonionic surfactants are clearly taught by the reference, it would have been obvious to one of ordinary skill in the art to incorporate such a mixture in composition 1 and so render obvious the claims at hand.

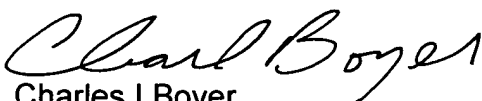
**Conclusion**

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art is cumulative to the references cited above, but all of the references will anticipate at least claim 1 of the present specification.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-Th 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571 272 1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Charles I Boyer  
Primary Examiner  
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